

1 ***b0535/2.3* "SECTION 2504d.** 79.02 (3) (a) of the statutes is amended to read:

2 79.02 (3) (a) Subject to s. 59.605 (4), payments to each municipality and county
3 in November shall equal that municipality's or county's entitlement under ss. 79.03,
4 79.035, 79.04, 79.044, 79.05, 79.058, and 79.06 for the current year, minus the
5 amount distributed to the municipality or county in July."

6 ***b0378/3.5* 414.** Page 1183, line 25: after that line insert:

7 ***b0378/3.5* "SECTION 2505d.** 79.04 (1) (a) of the statutes is amended to read:

8 79.04 (1) (a) An amount from the shared revenue account or, for the
9 distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats.,
10 determined by multiplying by 3 mills in the case of a town, and 6 mills in the case
11 of a city or village, the first \$125,000,000 of the amount shown in the account, plus
12 leased property, of each public utility except qualified wholesale electric companies,
13 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production
14 plant, exclusive of land," "general structures," and "substations," in the case of light,
15 heat and power companies, electric cooperatives or municipal electric companies, for
16 all property within a municipality in accordance with the system of accounts
17 established by the public service commission or rural electrification administration,
18 less depreciation thereon as determined by the department of revenue and less the
19 value of treatment plant and pollution abatement equipment, as defined under s.
20 70.11 (21) (a), as determined by the department of revenue plus an amount from the
21 shared revenue account or, for the distribution in 2003, from the appropriation under
22 s. 20.835 (1) (t), 2003 stats., determined by multiplying by 3 mills in the case of a
23 town, and 6 mills in the case of a city or village, of the first \$125,000,000 of the total
24 original cost of production plant, general structures, and substations less

1 depreciation, land and approved waste treatment facilities of each qualified
2 wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the
3 department of revenue of all property within the municipality. The total of amounts,
4 as depreciated, from the accounts of all public utilities for the same production plant
5 is also limited to not more than \$125,000,000. The amount distributable to a
6 municipality under this subsection and sub. (6) in any year shall not exceed \$300
7 times the population of the municipality. 11,

8 ***b0378/3.5* SECTION 2505f.** 79.04 (2) (a) of the statutes is amended to read:

9 79.04 (2) (a) Annually, except for production plants that begin operation after
10 December 31, 2003, or begin operation as a repowered production plant after
11 December 31, 2003, the department of administration, upon certification by the
12 department of revenue, shall distribute from the shared revenue account or, for the
13 distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats., to any
14 county having within its boundaries a production plant, general structure, or
15 substation, used by a light, heat or power company assessed under s. 76.28 (2) or
16 76.29 (2), except property described in s. 66.0813 unless the production plant or
17 substation is owned or operated by a local governmental unit that is located outside
18 of the municipality in which the production plant or substation is located, or by an
19 electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a
20 municipal electric company under s. 66.0825 an amount determined by multiplying
21 by 6 mills in the case of property in a town and by 3 mills in the case of property in
22 a city or village the first \$125,000,000 of the amount shown in the account, plus
23 leased property, of each public utility except qualified wholesale electric companies,
24 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production
25 plant, exclusive of land," "general structures," and "substations," in the case of light,

1 heat and power companies, electric cooperatives or municipal electric companies, for
2 all property within the municipality in accordance with the system of accounts
3 established by the public service commission or rural electrification administration,
4 less depreciation thereon as determined by the department of revenue and less the
5 value of treatment plant and pollution abatement equipment, as defined under s.
6 70.11 (21) (a), as determined by the department of revenue plus an amount from the
7 shared revenue account or, for the distribution in 2003, from the appropriation under
8 s. 20.835 (1) (t), 2003 stats., determined by multiplying by 6 mills in the case of
9 property in a town, and 3 mills in the case of property in a city or village, of the total
10 original cost of production plant, general structures, and substations less
11 depreciation, land and approved waste treatment facilities of each qualified
12 wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the
13 department of revenue of all property within the municipality. The total of amounts,
14 as depreciated, from the accounts of all public utilities for the same production plant
15 is also limited to not more than \$125,000,000. The amount distributable to a county
16 under this subsection and sub. (6) in any year shall not exceed \$100 times the
17 population of the county.”.

18 ***b0544/2.1* 415.** Page 1183, line 25: after that line insert:

19 ***b0544/2.1* “SECTION 2505d.** 79.04 (1) (intro.) of the statutes is amended to
20 read:

21 79.04 (1) (intro.) Annually, except for production plants that begin operation
22 after December 31, 2003, or begin operation as a repowered production plant after
23 December 31, 2003, and except as provided in sub. (4m), the department of
24 administration, upon certification by the department of revenue, shall distribute to

1 a municipality having within its boundaries a production plant, general structure,
2 or substation, used by a light, heat, or power company assessed under s. 76.28 (2) or
3 76.29 (2), except property described in s. 66.0813 unless the production plant or
4 substation is owned or operated by a local governmental unit located outside of the
5 municipality, or by an electric cooperative assessed under ss. 76.07 and 76.48,
6 respectively, or by a municipal electric company under s. 66.0825 the amount
7 determined as follows:

8 ***b0544/2.1* SECTION 2505e.** 79.04 (1) (b) 1. of the statutes is amended to read:

9 79.04 (1) (b) 1. Beginning with the distribution under this subsection in 1991,
10 and ending with the distribution under this subsection in 2008, the amount
11 determined under par. (a) to value property used by a light, heat or power company
12 in a municipality may not be less than the amount determined to value the property
13 for the distribution to the municipality under this subsection in 1990, subject to
14 subds. 2., 3. and 4.

15 ***b0544/2.1* SECTION 2505f.** 79.04 (2) (a) of the statutes is amended to read:

16 79.04 (2) (a) Annually, except for production plants that begin operation after
17 December 31, 2003, or begin operation as a repowered production plant after
18 December 31, 2003, and except as provided in sub. (4m), the department of
19 administration, upon certification by the department of revenue, shall distribute
20 from the shared revenue account or, for the distribution in 2003, from the
21 appropriation under s. 20.835 (1) (t), 2003 stats., to any county having within its
22 boundaries a production plant, general structure, or substation, used by a light, heat
23 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
24 in s. 66.0813 unless the production plant or substation is owned or operated by a local
25 governmental unit that is located outside of the municipality in which the production

1 plant or substation is located, or by an electric cooperative assessed under ss. 76.07
2 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an
3 amount determined by multiplying by 6 mills in the case of property in a town and
4 by 3 mills in the case of property in a city or village the first \$125,000,000 of the
5 amount shown in the account, plus leased property, of each public utility except
6 qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December
7 31 of the preceding year for "production plant, exclusive of land," "general
8 structures," and "substations," in the case of light, heat and power companies,
9 electric cooperatives or municipal electric companies, for all property within the
10 municipality in accordance with the system of accounts established by the public
11 service commission or rural electrification administration, less depreciation thereon
12 as determined by the department of revenue and less the value of treatment plant
13 and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined *RPV*
14 by the department of revenue plus an amount from the shared revenue account or, *(JH)*
15 for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003
16 stats., determined by multiplying by 6 mills in the case of property in a town, and 3
17 mills in the case of property in a city or village, of the total original cost of production
18 plant, general structures, and substations less depreciation, land and approved
19 waste treatment facilities of each qualified wholesale electric company, as defined in
20 s. 76.28 (1) (gm), as reported to the department of revenue of all property within the
21 municipality. The total of amounts, as depreciated, from the accounts of all public
22 utilities for the same production plant is also limited to not more than \$125,000,000.
23 The amount distributable to a county under this subsection and sub. (6) in any year
24 shall not exceed \$100 times the population of the county.

1 ***b0544/2.1* SECTION 2505g.** 79.04 (2) (am) 1. of the statutes is amended to
2 read:

3 79.04 (2) (am) 1. Beginning with the distribution under this subsection in 1991,
4 and ending with the distribution under this subsection in 2008, the amount
5 determined under par. (a) to value property used by a light, heat or power company
6 in a county may not be less than the amount determined to value the property for the
7 distribution to the county under this subsection in 1990, subject to subds. 2. and 3.

8 ***b0544/2.1* SECTION 2505h.** 79.04 (4m) of the statutes is created to read:

9 79.04 (4m) Beginning with distributions in 2009, for production plants
10 described under subs. (1) and (2), if in any year the payments to the municipality and
11 county in which the production plant is located would be greater under subs. (6) and
12 (7) (c) 1. based on the production plant's name-plate capacity than under sub. (1) or
13 (2) based on the depreciated net book value of the production plant, the municipality
14 and county shall receive payments under subs. (6) and (7) (c) 1., rather than under
15 sub. (1) or (2), beginning in that year and in each year thereafter.

16 ***b0544/2.1* SECTION 2505i.** 79.04 (6) (a) of the statutes is amended to read:

17 79.04 (6) (a) Annually, beginning in 2005, for production plants that begin
18 operation after December 31, 2003, or begin operation as a repowered production
19 plant after December 31, 2003, except as provided in sub. (4m), the department of
20 administration, upon certification by the department of revenue, shall distribute
21 payments from the public utility account, as determined under par. (b), to each
22 municipality and county in which a production plant is located, if the production
23 plant has a name-plate capacity of at least one megawatt and is used by a light, heat,
24 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
25 in s. 66.0813, unless the production plant is owned or operated by a local

1 governmental unit located outside of the municipality; by a qualified wholesale
2 electric company, as defined in s. 76.28 (1) (gm); by a wholesale merchant plant, as
3 defined in s. 196.491 (1) (w); by an electric cooperative assessed under ss. 76.07 and
4 76.48, respectively; or by a municipal electric company under s. 66.0825.”.

5 ***b0535/2.4* 416.** Page 1184, line 8: after “(e)” insert “and 79.044 (3)”.

6 ***b0535/2.5* 417.** Page 1184, line 18: after “2008” insert “, not including the
7 reductions calculated under s. 79.044 (3)”.

8 ***b0535/2.6* 418.** Page 1184, line 18: after that line insert:

9 ***b0535/2.6* “SECTION 2507d.** 79.044 of the statutes is created to read:

10 **79.044 Municipal aid for loss of manufacturing tax base. (1)** A
11 municipality is eligible to receive a payment under sub. (2) if all of the following
12 apply:

13 (a) The equalized value of taxable manufacturing personal and real property
14 in the municipality represents at least 3.2 percent of the municipality’s total
15 equalized value in 2005.

16 (b) The equalized value of taxable manufacturing personal and real property
17 in the municipality declined by at least 2 percent from 2005 to 2006.

18 (c) The municipality had a 2005 full value tax rate for municipal purposes of
19 at least one mill.

20 **(2)** In 2008, each eligible municipality under sub. (1) shall receive from the
21 municipal aid account a payment determined as follows:

22 (a) Subtract the combined equalized value of taxable manufacturing personal
23 and real property in the municipality in 2006 from the combined equalized value of
24 taxable manufacturing personal and real property in the municipality in 2005.

1 (b) Multiply the amount determined under par. (a) by the municipality's 2005
2 full value tax rate for municipal purposes.

3 (3) In order to make the payments under sub. (2), the department of revenue
4 shall reduce the payment under s. 79.043 in 2008 to each municipality by a uniform
5 percentage that the department calculates by dividing the sum of all payments under
6 sub. (2) by the total amount of the distribution to all municipalities in 2008 under s.
7 79.043.”.

8 *b0447/2.1* **419.** Page 1190, line 21: after that line insert:

9 *b0447/2.1* “SECTION 2523w. 84.013 (3m) (d) of the statutes is created to read:
10 84.013 (3m) (d) If the department reconstructs any part of STH 78 located in
11 the village of Merrimac in Sauk County and requires water and sewer utilities lying
12 beneath this reconstructed part of STH 78 to be relocated to a lower depth, the
13 department shall pay 75 percent of the cost of relocating these water and sewer
14 utilities.”.

15 *b0420/3.3* **420.** Page 1190, line 24: delete “subsection:” and substitute
16 “subsection,”.

17 *b0420/3.4* **421.** Page 1191, line 1: delete “1.”.

18 *b0420/3.5* **422.** Page 1191, line 9: delete lines 9 to 14.

19 *b0420/3.7* **423.** Page 1191, line 16: delete “are” and substitute “is”.

20 *b0420/3.6* **424.** Page 1191, line 16: delete “and 3.”.

21 *b0420/3.8* **425.** Page 1191, line 17: delete the material beginning with “Zoo”
22 and ending with “the” on line 18.

23 *b0523/1.1* **426.** Page 1191, line 18: after that line insert:

1 ***b0523/1.1*** "SECTION 2528d. 84.014 (5r) of the statutes is created to read:

2 84.014 (5r) Notwithstanding subs. (5) and (5m), no southeast Wisconsin
3 freeway rehabilitation project may include the addition of any lane for vehicular
4 traffic on I 94 adjacent to Wood National Cemetery, between Hawley Road and the
5 Stadium interchange, in Milwaukee County."

6 ***b0350/1.42* 427.** Page 1194, line 12: after that line insert:

7 ***b0350/1.42*** "SECTION 2535b. 84.28 (1) of the statutes, as affected by 2007
8 Wisconsin Act (this act), is amended to read:

9 84.28 (1) Moneys from the appropriation under s. 20.370 (7) (~~mr~~) (mc) may be
10 expended for the renovation, marking and maintenance of a town or county highway
11 located within the boundaries of any state park, state forest or other property under
12 the jurisdiction of the department of natural resources. Moneys from the
13 appropriation under s. 20.370 (7) (~~mr~~) (mc) may be expended for the renovation,
14 marking and maintenance of a town or county highway located in the Lower
15 Wisconsin State Riverway as defined in s. 30.40 (15). Outside the Lower Wisconsin
16 State Riverway as defined in s. 30.40 (15), or outside the boundaries of these parks,
17 forests or property, moneys from the appropriation under s. 20.370 (7) (~~mr~~) (mc) may
18 be expended for the renovation, marking and maintenance of roads which the
19 department of natural resources certifies are utilized by a substantial number of
20 visitors to state parks, state forests or other property under the jurisdiction of the
21 department of natural resources. The department of natural resources shall
22 authorize expenditures under this subsection. The department of natural resources
23 shall rank projects eligible for assistance under a priority system and funding may
24 be restricted to those projects with highest priority."

1 ***b0420/3.9* 428.** Page 1194, line 20: delete “1”.

2 ***b0351/1.2* 429.** Page 1195, line 19: delete “\$2,708,341,000” and substitute
3 “\$2,668,661,500”.

4 ***b0373/P3.8* 430.** Page 1196, line 3: after that line insert:

5 ***b0373/P3.8* “SECTION 2539.** 85.013 (2) (a) of the statutes is amended to read:
6 85.013 (2) (a) The secretary shall designate employees of the department as
7 hearing examiners to preside over all hearings arising under ch. 344.”.

8 ***b0328/2.3* 431.** Page 1197, line 1: delete lines 1 to 5 and substitute:

9 **“85.037 Certification of fees collected.** Annually, no later than October 1,
10 the The secretary of transportation shall certify to the secretary of administration,
11 no later than 14 days after the last day of each quarter of each fiscal year, the amount
12 of fees collected under s. 342.14 (3m) during the previous fiscal year that quarter, for
13 the purpose of determining the amounts to be transferred under s. 20.855 (4) (~~¶~~)
14 during the current fiscal year (rm). Notwithstanding s. 25.40 (3), no later than 14
15 days after the last day of each quarter of each fiscal year, the secretary of
16 administration shall transfer, under s. 20.855 (4) (rm), from the transportation fund
17 to the environmental fund the amount of fees collected under s. 342.14 (3m) during
18 that quarter.”.

19 ***b0351/1.3* 432.** Page 1197, line 5: after that line insert:

20 ***b0351/1.3* “SECTION 2542p.** 85.045 of the statutes is created to read:

21 **85.045 Funding plan for next 10 years.** The department shall, with its
22 submission of information under s. 16.42 for each biennial budget bill, submit to the
23 department of administration and to the legislative fiscal bureau a plan for the
24 following 10-year period that includes, for each fiscal year of the 10-year period, an

1 estimate of total transportation fund revenues, the proposed types and amounts of
2 bonds to be issued for transportation needs, the proposed expenditure amounts from
3 bond proceeds for transportation needs, and estimated debt service related to
4 repayment of these bonds. This 10-year plan shall include various funding scenarios
5 for transportation needs showing different levels of transportation fund
6 expenditures, from bond proceeds and from cash sources, and different levels of
7 transportation fund revenues. At least one scenario shall reflect the achievement of
8 a stable debt service percentage by the end of the 10-year period of the plan. If any
9 scenario results in an increasing debt service percentage, the plan shall identify the
10 estimated reduction of net revenues from this increasing debt service and the
11 potential consequences for specific transportation-related programs resulting from
12 these reduced net revenues.”.

13 *b0511/2.11* **433.** Page 1197, line 5: after that line insert:

14 *b0511/2.11* “SECTION 2542c. 85.037 of the statutes, as affected by 2007

15 Wisconsin Act (this act), is amended to read:

16 **85.037 Certification of fees collected.** Annually, no later than October 1,
17 the secretary of transportation shall certify to the secretary of administration the
18 amount of fees collected under s. 342.14 (3m) during the previous fiscal year, for the
19 purpose of determining the amounts to be transferred under s. 20.855 (4) ~~(rm)~~ (f)
20 during the current fiscal year.”.

21 *b0520/1.1* **434.** Page 1197, line 9: after “Chicago,” insert “between the cities
22 of Madison and Eau Claire.”.

23 *b0321/1.5* **435.** Page 1198, line 7: delete “\$60,289,100” and substitute
24 “\$63,784,700”.

1 ***b0321/1.6* 436.** Page 1198, line 8: delete “\$61,494,900” and substitute
2 “\$65,299,200”.

3 ***b0321/1.7* 437.** Page 1198, line 22: delete “\$16,095,200” and substitute
4 “\$16,754,000”.

5 ***b0321/1.8* 438.** Page 1198, line 23: delete “\$16,417,100” and substitute
6 “\$17,158,400”.

7 ***b0321/1.9* 439.** Page 1199, line 8: delete “\$23,089,100” and substitute
8 “\$24,034,400”.

9 ***b0321/1.10* 440.** Page 1199, line 9: delete “\$23,551,200” and substitute
10 “\$24,614,500”.

11 ***b0321/1.11* 441.** Page 1199, line 15: delete “\$5,225,600” and substitute
12 “\$5,440,500”.

13 ***b0321/1.12* 442.** Page 1199, line 16: delete “\$5,331,100” and substitute
14 “\$5,571,800”.

15 ***b0415/1.3* 443.** Page 1202, line 4: delete “\$1,937” and substitute “\$1,956”.

16 ***b0415/1.4* 444.** Page 1202, line 4: delete “\$1,976” and substitute “\$2,015”.

17 ***b0415/1.5* 445.** Page 1202, line 10: delete “\$95,556,000” and substitute
18 “\$96,492,900”.

19 ***b0415/1.6* 446.** Page 1202, line 10: delete “\$97,467,100” and substitute
20 “\$99,387,700”.

21 ***b0415/1.7* 447.** Page 1202, line 17: delete “\$300,630,700” and substitute
22 “\$303,578,100”.

1 ***b0415/1.8* 448.** Page 1202, line 17: delete “\$306,643,300” and substitute
2 “\$312,685,400”.

3 ***b0419/2.2* 449.** Page 1202, line 25: delete “\$5,355,000” and substitute
4 “\$5,381,300”.

5 ***b0419/2.3* 450.** Page 1202, line 25: delete “\$5,567,100” and substitute
6 “\$5,515,800”.

7 ***b0419/2.4* 451.** Page 1203, line 7: delete “\$765,000” and substitute
8 “\$768,700”.

9 ***b0419/2.5* 452.** Page 1203, line 8: delete “\$795,300” and substitute
10 “\$788,000”.

11 ***b0419/2.6* 453.** Page 1203, line 16: delete “\$1,020,000” and substitute
12 “\$1,025,000”.

13 ***b0419/2.7* 454.** Page 1203, line 16: delete “\$1,060,400” and substitute
14 “\$1,050,600”.

15 ***b0413/2.5* 455.** Page 1205, line 13: after that line insert:

16 ***b0413/2.5* “SECTION 2593p.** 93.45 of the statutes is created to read:

17 **93.45 Buy local, buy Wisconsin.** The department shall conduct a program
18 to increase awareness and consumption of locally produced foods and related
19 products and to increase the production and improve the distribution of foods and
20 related products for local consumption. In the program, the department shall
21 emphasize the development of regional food and cultural tourism trails and the
22 development of regional food systems through activities such as creating or
23 expanding facilities for the processing and distribution of food for local consumption;

1 creating or supporting networks of producers; and strengthening connections
2 between producers, retailers, institutions, and consumers and nearby producers.

3 ***b0413/2.5* SECTION 2594c.** 93.48 of the statutes is created to read:

4 **93.48 Buy local grant program.** (1) The department may award grants from
5 the appropriation under s. 20.115 (4) (am) to individuals or organizations to fund
6 projects that are designed to increase the sale of agricultural products grown in this
7 state that are purchased in close proximity to where they are produced. The
8 department shall promulgate rules for the program under this section.

9 (2) The department may make grants under this section for any of the following
10 purposes:

11 (a) To create, promote, and support regional food and cultural tourism trails.

12 (b) To promote the development of regional food systems through activities
13 such as creating or expanding facilities for the processing and distribution of food for
14 local consumption; creating or supporting networks of producers; and strengthening
15 connections between producers, retailers, institutions, and consumers and nearby
16 producers.”.

17 ***b0478/2.2* 456.** Page 1205, line 13: after that line insert:

18 ***b0478/2.2* “SECTION 2592g.** 93.23 (1) (a) 1. (intro.) of the statutes is amended
19 to read:

20 93.23 (1) (a) 1. (intro.) To each county, and any organized agricultural society,
21 association, or board in the state that complies with the requirements of this section,
22 50% of the amount actually paid in net premiums in the junior division 95 percent
23 of the first \$8,000 paid in net premiums and 70 percent of all net premiums paid in
24 excess of \$8,000 at its annual fair upon livestock, articles of production, educational

1 exhibits, agricultural implements and tools, domestic manufactures, mechanical
2 implements, and productions, but not more than \$10,000 per fair, subject to all of the
3 following.”.

4 ***b0539/1.3* 457.** Page 1206, line 9: after that line insert:

5 ***b0539/1.3* “SECTION 2594p.** 93.60 of the statutes is created to read:

6 **93.60 Grazing lands conservation grant.** The department shall award a
7 grant in each fiscal year, from the appropriation account under s. 20.115 (4) (s), for
8 technical education and research under the Wisconsin grazing lands conservation
9 initiative.”.

10 ***b0471/5.49* 458.** Page 1210, line 10: after that line insert:

11 ***b0471/5.49* “SECTION 2606p.** 100.45 (1) (dm) of the statutes is amended to
12 read:

13 100.45 (1) (dm) “State agency” means any office, department, agency,
14 institution of higher education, association, society or other body in state
15 government created or authorized to be created by the constitution or any law which
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
18 Center Sports and Entertainment Corporation, the University of Wisconsin
19 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
20 Authority, the Wisconsin Aerospace Authority, and the Fox River Navigational
21 System Authority, and the Healthy Wisconsin Authority.”.

22 ***b0522/1.3* 459.** Page 1210, line 11: delete lines 11 to 16.

23 ***b0369/1.6* 460.** Page 1221, line 22: after that line insert:

24 ***b0369/1.6* “SECTION 2647p.** 103.005 (10) of the statutes is amended to read:

1 103.005 (10) Except as provided in ss. 103.275 (2) (bm) and (br), 103.34 (10) (b)
2 and (c), 103.91 (4) (b) and (c), 103.92 (6) and (7), 104.07 (5) and (6), and 105.13 (2) and
3 (3), orders of the department under chs. 103 to 106 shall be subject to review in the
4 manner provided in ch. 227.”.

5 ***b0369/1.7* 461.** Page 1221, line 24: after that line insert:

6 ***b0369/1.7* “SECTION 2649f.** 103.34 of the statutes is created to read:

7 **103.34 Regulation of traveling sales crews. (1) DEFINITIONS:** In this
8 section:

9 (a) “Certificate of registration” means a certificate of registration issued under
10 this section authorizing a person to employ traveling sales crew workers.

11 (b) “Disqualifying offense” means any of the following:

12 1. A violation of s. 125.07 (1) (a), (2) (a) 1. or 2., or (4) (a) or (b), 125.085 (3) (a)
13 or (b), 125.09 (2), 961.41 (1) or (1m), 961.573, 961.574, or 961.575 or of a substantially
14 similar federal law or law of another state, if the violation was committed in
15 connection with or incident to any traveling sales crew activities.

16 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08.
17 940.09, 940.10, 940.19 (2), (4), (5), or (6), 940.21, 940.225 (1), (2), or (3), 940.23,
18 940.24, 940.25, 940.30, 940.305, 940.31, 943.02, 943.03, 943.04, 943.10, 943.30,
19 943.31, 943.32, 944.32, 944.33 (2), 944.34, 946.10, 948.02 (1) or (2), 948.025, 948.03
20 (2) or (3), 948.04, 948.05, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, 948.11
21 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 or of a substantially similar
22 federal law or law of another state.

1 3. A violation of s. 943.20, 943.201, 943.203, 943.21, 943.23, 943.24 (2), 943.34,
2 943.50, 943.61, 943.62, or 943.70 or of a substantially similar federal law or law of
3 another state, if the value of the property misappropriated is \$2,500 or more.

4 4. A violation of s. 100.18, 100.195, or 100.20, of a rule promulgated under any
5 of those sections, or of a substantially similar federal law or law of another state.

6 (c) "Hazardous materials" has the meaning given in 49 USC 5102 (2).

7 (d) "Traveling sales crew" means 2 or more individuals who are employed as
8 salespersons or in related support work, who travel together in a group, and who are
9 absent overnight from their permanent places of residence for the purpose of selling
10 goods or services to consumers from house to house, on any street, or in any other
11 place that is open to the public. "Traveling sales crew" does not include 2 or more
12 individuals who are traveling together for the purpose of participating in a trade
13 show or convention or 2 or more immediate family members who are traveling
14 together for the purpose of selling goods or services.

15 (e) "Traveling sales crew activities" means the sale of goods or services to
16 consumers from house to house, on any street, or in any other place that is open to
17 the public or related support work.

18 (f) "Traveling sales crew worker" means a member of a traveling sales crew.

19 **(2) REGISTRATION REQUIRED.** No person may employ, offer to employ, or
20 otherwise recruit an individual to work as a traveling sales crew worker without first
21 obtaining a certificate of registration from the department. To obtain a certificate
22 of registration, a person shall complete an application under sub. (3) (a), meet the
23 minimum requirements specified in sub. (3) (c) for issuance of a certificate of
24 registration, and pay a registration fee determined by the department by rule
25 promulgated under sub. (13). A certificate of registration is valid for 12 months

1 unless sooner suspended, restricted, or revoked and is nontransferable. A registrant
2 may renew a certificate of registration by submitting an application under sub. (3)
3 (a) and paying the registration fee not less than 30 days before the expiration date
4 of the certificate of registration.

5 (3) APPLICATION FOR REGISTRATION. (a) To obtain a certificate of registration, a
6 person shall complete an application that contains all of the following information:

7 1. The name of the applicant, the address and telephone number of the
8 applicant's principal place of business and, if the applicant is engaged in sales
9 activities on behalf of a principal, the name, address, and telephone number of the
10 principal.

11 2. If the applicant is a corporation, the date and place of the applicant's
12 incorporation or, if the applicant is a limited liability company, the date and place of
13 the applicant's organization.

14 3. The names and permanent home addresses of the proprietors, managing
15 partners, managers, or principal officers of the applicant, together with proof of
16 identification of those individuals, which may be in the form of a birth certificate, a
17 valid operator's license issued under ch. 343 or under a comparable law of another
18 state that contains a photograph of the license holder, or an identification card issued
19 under s. 343.50 or under a comparable law of another state that contains a
20 photograph of the person identified.

21 4. The names, permanent home addresses, motor vehicle operator's license
22 numbers, and dates of birth of all employees, agents, or representatives of the
23 applicant who supervise or transport traveling sales crew workers, together with
24 proof of identification of those individuals, as provided under subd. 3.

1 5. Information regarding the conviction record of all proprietors, managing
2 partners, managers, or principal officers of the applicant, and of all employees,
3 agents, or representatives of the applicant who supervise or transport traveling sales
4 crew workers, and information regarding any violation by any of those individuals
5 of s. 100.18, 100.195, or 100.20, of a rule promulgate under any of those sections or
6 of a substantially similar federal law or law of another state.

7 6. The social security number or federal employer identification number of the
8 applicant as provided in sub. (10) (a).

9 7. The type of sales activities to be performed and the nature of the goods or
10 services to be sold by the traveling sales crew workers of the applicant. If the goods
11 to be sold are magazine subscriptions, the applicant shall provide the names,
12 addresses, and telephone numbers of the publishers of those magazines.

13 8. A statement identifying each motor vehicle that will be used to transport the
14 applicant's traveling sales crew workers, including the type and license number of
15 each motor vehicle, and documentation showing that each motor vehicle is in
16 compliance with all state and federal safety standards that are applicable to the
17 motor vehicle as provided in sub. (7) (a).

18 9. A statement indicating whether the duties of the applicant's traveling sales
19 crew workers will include the storage, handling, or transportation of hazardous
20 materials or may result in any other exposure of those workers to hazardous
21 materials and, if so, documentation showing that the applicant is in compliance with
22 all state and federal safety standards that are applicable to the storage, handling,
23 and transportation of the hazardous materials as provided in sub. (7) (b).

24 10. Any document required by the department to prove that the applicant has
25 complied with the proof of financial responsibility requirement under sub. (4), the

1 disclosure statement requirement under sub. (5), and the proof of insurance
2 requirement under sub. (8).

3 11. Any other information that the department considers relevant to the
4 protection of the health, safety, and welfare of the traveling sales crew workers
5 employed by the applicant.

6 (b) 1. On receipt of an application under par. (a) and payment of the registration
7 fee under sub. (2), the department of workforce development shall investigate the
8 applicant to determine whether the applicant is qualified under par. (c) to receive a
9 certificate of registration. That investigation shall include a criminal history search
10 by the department of justice of all proprietors, managing partners, managers, or
11 principal officers of the applicant, and of all employees, agents, or representatives
12 of the applicant who supervise or transport traveling sales crew workers. That
13 investigation shall also include a search by the department of workforce
14 development to determine whether any of those individuals has committed a
15 violation of s. 100.18, 100.195, or 100.20, of a rule promulgated under any of those
16 sections, or of a substantially similar federal law or law of another state.

17 2. If the person being investigated is, or at any time within the 5 years
18 preceding the date of the application has been, a nonresident or if the department
19 of workforce development determines that any information obtained as a result of
20 the investigation under subd. 1. provides a reasonable basis for further
21 investigation, the department of workforce development may require the person
22 being investigated to be fingerprinted on 2 fingerprint cards, each bearing a complete
23 set of the person's fingerprints. The department of justice may provide for the
24 submission of the fingerprint cards to the federal bureau of investigation for the
25 purposes of verifying the identification of the person and obtaining the person's

1 criminal conviction record. The department of workforce development shall keep
2 confidential all information received from the department of justice and the federal
3 bureau of investigation under this subdivision.

4 (c) Subject to par. (d) and sub. (10) (b) and (c), after completing the investigation
5 under par. (b), the department shall issue a certificate of registration to the applicant
6 if the department determines that the applicant meets the minimum requirements
7 under this section and rules promulgated under sub. (13) for issuance of a certificate
8 of registration and is satisfied that the applicant will comply with this section and
9 those rules.

10 (d) The department may deny, suspend, revoke, restrict, or refuse to renew a
11 certificate of registration if the department determines that any of the following
12 apply:

13 1. The applicant or registrant is not the real party in interest with respect to
14 the application or certificate of registration, and the real party in interest has
15 previously been denied issuance or renewal of a certificate of registration, has had
16 a certificate of registration suspended, revoked, or restricted, or is not qualified to
17 receive a certificate of registration under par. (c).

18 2. A proprietor, managing partner, manager, or principal officer of the
19 applicant, or an employee, agent, or representative of the applicant who supervises
20 or transports traveling sales crew workers has been convicted of a disqualifying
21 offense within the 5 years preceding the date of the application.

22 3. The applicant or registrant has made a material misrepresentation or false
23 statement in the application for the certificate of registration.

24 4. The applicant or registrant has failed to notify the department of any change
25 in the information submitted in the application as required under par. (e).

1 5. The applicant or registrant has failed to maintain proof of financial
2 responsibility as required under sub. (4); failed to comply with the written disclosure
3 statement requirements under sub. (5) (b); failed to pay wages, provide a statement,
4 or keep, preserve, or furnish records as required under sub. (6); violated a safety
5 standard under sub. (7); failed to maintain insurance coverage as required under
6 sub. (8); engaged in a practice prohibited under sub. (9); employed a traveling sales
7 crew worker in violation of sub. (11) (a) or (c) or failed to keep or furnish records as
8 required under sub. (11) (b); failed to pay a penalty imposed under sub. (12) or to
9 comply with an order of the department imposed as a result of a violation of this
10 section or any rule promulgated under sub. (13); or otherwise failed to comply with
11 this section or any rule promulgated under sub. (13).

12 (e) If any change occurs in any of the information submitted to the department
13 under par. (a), the registrant shall notify the department of that change within 30
14 days after the change occurs.

15 (f) A registrant and all employees, agents, or representatives of a registrant
16 who supervise or transport traveling sales crew workers shall carry at all times while
17 engaging in traveling sales crew activities a copy of the registrant's certificate of
18 registration and shall exhibit that copy upon the request of any deputy of the
19 department, law enforcement officer, or person with whom the registrant, employee,
20 agent, or representative is doing business. Failure to exhibit that copy upon that
21 request is prima facie evidence of a violation of this section.

22 (4) FINANCIAL RESPONSIBILITY. (a) An applicant shall establish proof of its ability
23 to pay any compensation owed to a traveling sales crew worker employed by the
24 applicant and any penalties that may be imposed under sub. (12).

1 (b) An applicant shall prove its ability to pay under par. (a) by maintaining one
2 of the following commitments in an amount approved by the department, but not less
3 that \$10,000, and in a form approved by the department:

- 4 1. A bond.
- 5 2. A certificate of deposit.
- 6 3. An escrow account.
- 7 4. An irrevocable letter of credit.

8 (c) The commitment described in par. (b) shall be established in favor of or made
9 payable to the department, for the benefit of the state and any traveling sales crew
10 worker who does not receive the compensation earned by the worker. The applicant
11 shall file with the department any agreement, instrument, or other document
12 necessary to enforce the commitment against the applicant or any relevant 3rd party,
13 or both.

14 **(5) DISCLOSURE STATEMENT.** (a) At the time an individual is offered employment
15 as a traveling sales crew worker or is otherwise recruited to work as a traveling sales
16 crew worker, the employer shall provide the individual with a written disclosure
17 statement of the terms of employment. If the individual accepts the offer of
18 employment, the employer and the individual shall sign the written disclosure
19 statement. A written disclosure statement shall include all of the following
20 information:

- 21 1. The place or places of employment, stated with as much specificity as
22 possible.
- 23 2. The compensation, including wage rates, commissions, bonuses, and contest
24 awards, to be paid.
- 25 3. The type or types of work on which the individual may be employed.

1 4. The pay period and the manner in which compensation will be paid.

2 5. The number of days per week and hours per day that the individual may be
3 required to engage in sales activities or related support work.

4 6. The nature and frequency of any employment-related meetings that the
5 individual may be required to attend, the time of day of those meetings, and how
6 compensation is paid for attendance at those meetings.

7 7. The period of employment, including the approximate beginning and ending
8 dates of employment.

9 8. A description of the board, lodging, and other facilities to be provided by the
10 employer to the individual and any costs to be charged to the individual for those
11 facilities.

12 9. A description of the transportation to be provided by the employer to the
13 individual and, if the employment will involve the storage, handling, or
14 transportation of hazardous materials or may involve any other exposure to
15 hazardous materials, a description of the hazardous materials.

16 10. Whether worker's compensation is provided and, if so, the name and
17 telephone number of the employee, agent, or representative of the employer to whom
18 notice of a claim for worker's compensation must be provided and the time period
19 within which that notice must be provided.

20 (b) An employer of a traveling sales crew worker shall comply with the terms
21 of a disclosure statement provided under par. (a). An employer may change the terms
22 of a disclosure statement, but no change is effective until a supplemental disclosure
23 statement is signed by the employer and the traveling sales crew worker. Any change
24 to the terms of a disclosure statement may apply prospectively only.

1 (6) PAYMENT OF COMPENSATION; DEDUCTIONS; STATEMENTS; RECORDS. (a) An
2 employer shall pay all compensation earned by a traveling sales crew worker on
3 regular paydays designated in advance by the employer, but in no case less often than
4 semimonthly. Compensation shall be paid in U.S. currency or by check or draft.

5 (b) An employer may deduct from a traveling sales crew worker's compensation
6 the cost to the employer of furnishing board, lodging, or other facilities to the worker
7 if the board, lodging, or other facilities are customarily furnished by the employer to
8 the traveling sales crew workers of the employer; the amount deducted does not
9 exceed the fair market value of the board, lodging, or other facilities and does not
10 include any profit to the employer; and the traveling sales crew worker has
11 previously authorized the deduction by signing a written disclosure statement under
12 sub. (5) (a) that includes a description of the board, lodging, and other facilities to be
13 provided and any costs to be charged to the worker for those facilities.

14 (c) An employer shall provide with each payment of compensation to a traveling
15 sales crew worker a written statement itemizing the amount of gross and net
16 compensation paid to the worker and the amount of and reason for each deduction
17 from the amount of gross compensation. An employer shall keep records of the
18 information specified in this paragraph with respect to each traveling sales crew
19 worker of the employer, shall preserve those records for 3 years after the worker
20 leaves the employ of the employer, and shall furnish those records to the department
21 on request.

22 (d) A traveling sales crew worker who is owed compensation may file a wage
23 claim with the department under s. 109.09 (1) or may bring an action under s. 109.03
24 (5) without first filing a wage claim with the department.

1 (7) WORKER SAFETY. (a) An employer of a traveling sales crew worker shall
2 maintain and operate, or cause to be maintained and operated, any motor vehicle
3 used to transport a traveling sales crew worker in compliance with all state and
4 federal safety standards that are applicable to the maintenance and operation of the
5 motor vehicle, including any additional safety standards relating specifically to the
6 transportation of traveling sales crew workers prescribed by the department by rule
7 promulgated under sub. (13). In prescribing those additional safety standards, the
8 department shall consider all of the following:

9 1. The types of motor vehicles that are commonly used to transport traveling
10 sales crew workers.

11 2. The safe passenger-carrying capacity of those motor vehicles.

12 3. The extent to which a proposed safety standard would cause an undue
13 burden to traveling sales crew employers.

14 4. Any safety standards prescribed by the federal secretary of transportation
15 under 49 USC 13101 to 14915, 49 USC 30101 to 30170, and 49 USC 31101 to 31317
16 and any other chapter of title 49 of the United States Code that are applicable to the
17 maintenance and operation of a motor vehicle that is commonly used to transport
18 traveling sales crew workers.

19 (b) If the duties of a traveling sales crew worker include the storage, handling,
20 or transportation of hazardous materials or may result in any other exposure of a
21 traveling sales crew worker to hazardous materials, the employer shall ensure that
22 the hazardous materials are stored, handled, and transported, and that the traveling
23 sales crew worker is trained in the safe storage, handling, and transportation of
24 hazardous materials, in accordance with all state and federal safety standards that
25 are applicable to the storage, handling, and transportation of hazardous materials

1 or to exposure to hazardous materials, including any additional safety standards
2 relating specifically to the storage, handling, and transportation of hazardous
3 materials by traveling sales crew workers or to the exposure of traveling sales crews
4 to hazardous materials prescribed by the department by rule promulgated under
5 sub. (13). In prescribing those additional safety standards, the department shall
6 consider all of the following:

7 1. The types of hazardous materials that are included in products commonly
8 sold by traveling sales crews.

9 2. The extent to which a proposed safety standard would cause an undue
10 burden to traveling sales crew employers.

11 3. Any safety standards prescribed by the federal secretary of transportation
12 under 49 USC 5101 to 5128 or by the federal occupational safety and health
13 administration under 29 USC 651 to 678 that are applicable to the storage, handling,
14 and transportation of hazardous materials by a traveling sales crew worker or to any
15 other exposure of a traveling sales crew worker to hazardous materials.

16 **(8) INSURANCE COVERAGE.** The employer of a traveling sales crew worker shall
17 have in force a policy of insurance that insures the employer, in an amount prescribed
18 by the department by rule promulgated under sub. (13), against liability for damages
19 to persons and property arising out of the ownership or operation by the employer
20 or by any employee, agent, or representative of the employer of a motor vehicle that
21 is used to transport a traveling sales crew worker and a policy of insurance that
22 insures the employer, in an amount prescribed by the department by rule
23 promulgated under sub. (13), against liability for damages to persons and property
24 arising out of any negligent act or omission of the employer or of any employee, agent,
25 or representative of the employer. If the employer is required under s. 102.28 (2) to

1 provide worker's compensation coverage for its employees, the employer shall also
2 provide that coverage.

3 (9) PROHIBITED PRACTICES. No employer of a traveling sales crew worker and
4 no employee, agent, or representative of that employer who supervises or transports
5 traveling sales crew workers may do any of the following:

6 (a) Employ or permit to work as a traveling sales crew worker a person under
7 18 years of age or employ or permit to work as a traveling sales crew worker a person
8 18 years of age or over who has been adjudged incompetent under ch. 54 without the
9 permission of the person's guardian.

10 (b) Require a traveling sales crew worker to engage in any in-person sales or
11 solicitation activities before 9 a.m. or after 9 p.m.

12 (c) Consider a traveling sales crew worker to be an independent contractor
13 rather than an employee.

14 (d) Require a traveling sales crew worker to purchase any goods or services
15 solely from the employer or to pay any of the employer's business expenses, except
16 as permitted under sub. (6) (b).

17 (e) Abandon a traveling sales crew worker who is unable to work due to illness
18 or injury or who is discharged from employment for reasons other than misconduct
19 without providing for the return of the traveling sales crew worker to his or her
20 permanent place of residence.

21 (f) Abandon a traveling sales crew worker who has been arrested and is being
22 held in custody in connection with a violation of sub. (11) (a) 3. or a local ordinance
23 regulating that conduct.

24 (g) Require a traveling sales crew worker to relinquish custody of any of his or
25 her personal property to the employer, to any employee, agent, or representative of

1 the employer who supervises or transports traveling sales crew workers, or to any
2 other traveling sales crew worker of the employer.

3 (h) Prohibit or restrict a traveling sales crew worker from contacting any family
4 member, friend, or other person while traveling with a traveling sales crew.

5 (i) Intentionally inflict or threaten to inflict any bodily harm on a traveling
6 sales crew worker or damage to the property of a traveling sales crew worker as a
7 means of discipline or motivation.

8 (j) Advise or counsel a traveling sales crew worker to make false
9 representations to a person to whom he or she is offering goods or services concerning
10 his or her motivation for selling those goods or services.

11 (k) Discharge or discriminate against any person for opposing a practice
12 prohibited under this section. Section 111.322 (2m) applies to discharge and other
13 discriminatory acts arising in connection with any proceeding under this section.

14 **(10) CHILD SUPPORT; DELINQUENT TAXES.** (a) 1. Except as provided in subd. 3.,
15 the department shall require each applicant for a certificate of registration who is
16 an individual to provide the department with the applicant's social security number,
17 and shall require each applicant for a certificate of registration who is not an
18 individual to provide the department with the applicant's federal employer
19 identification number, when initially applying for or applying to renew the certificate
20 of registration.

21 2. If an applicant who is an individual fails to provide the applicant's social
22 security number to the department or if an applicant who is not an individual fails
23 to provide the applicant's federal employer identification number to the department,
24 the department may not issue or renew a certificate of registration to or for the
25 applicant unless the applicant is an individual who does not have a social security

1 number and the applicant submits a statement made or subscribed under oath or
2 affirmation as required under subd. 3.

3 3. If an applicant who is an individual does not have a social security number,
4 the applicant shall submit a statement made or subscribed under oath or affirmation
5 to the department that the applicant does not have a social security number. The
6 form of the statement shall be prescribed by the department. A certificate of
7 registration issued in reliance upon a false statement submitted under this
8 subdivision is invalid.

9 4. The subunit of the department that obtains a social security number or a
10 federal employer identification number under subd. 1. may not disclose the social
11 security number or the federal employer identification number to any person except
12 to the department of revenue for the sole purpose of requesting certifications under
13 s. 73.0301 or on the request of the subunit of the department that administers the
14 child and spousal support program under s. 49.22 (2m).

15 (b) The department shall deny, suspend, restrict, refuse to renew, or otherwise
16 withhold a certificate of registration for failure of the applicant or registrant to pay
17 court-ordered payments of child or family support, maintenance, birth expenses,
18 medical expenses, or other expenses related to the support of a child or former spouse
19 or for failure of the applicant or registrant to comply, after appropriate notice, with
20 a subpoena or warrant issued by the department or a county child support agency
21 under s. 59.53 (5) and related to paternity or child support proceedings, as provided
22 in a memorandum of understanding entered into under s. 49.857. Notwithstanding
23 s. 103.005 (10), an action taken under this paragraph is subject to review only as
24 provided in the memorandum of understanding entered into under s. 49.857 and not
25 as provided in ch. 227.

1 (c) The department shall deny an application for the issuance or renewal of a
2 certificate of registration, or revoke a certificate of registration already issued, if the
3 department of revenue certifies under s. 73.0301 that the applicant or registrant is
4 liable for delinquent taxes. Notwithstanding s. 103.005 (10), an action taken under
5 this paragraph is subject to review only as provided under s. 73.0301 (5) and not as
6 provided in ch. 227.

7 **(11) TRAVELING SALES CREW WORKER PERMITS.** (a) 1. No individual may be
8 employed or permitted to work as a traveling sales crew worker unless the employer
9 of the individual first obtains from the department a traveling sales crew worker
10 permit for the individual as provided in this subdivision, and the individual first
11 obtains from the department an identification card as provided in this subdivision.
12 The traveling sales crew worker permit and identification card shall be in a form
13 prescribed by the department, which form shall include at a minimum the name and
14 permanent home address of the traveling sales crew worker and the name, address,
15 and phone number of his or her employer.

16 2. An employer of a traveling sales crew worker and all employees, agents, or
17 representatives of that employer who supervise or transport traveling sales crew
18 workers shall carry at all times while engaged in traveling sales crew activities a
19 copy of the permit obtained under subd. 1. for each traveling sales crew worker of the
20 employer and shall exhibit that copy upon the request of any deputy of the
21 department, law enforcement officer, or person with whom the employer, employee,
22 agent, or representative is doing business.

23 3. A traveling sales crew worker shall carry at all times while engaged in
24 traveling sales crew activities the identification card obtained under subd. 1. and
25 shall exhibit that card upon the request of any deputy of the department, law

1 enforcement officer, or person with whom the traveling sales crew worker is doing
2 business.

3 4. Failure to exhibit a copy of a permit upon request under subd. 2. or an
4 identification card upon request under subd. 3. is prima facie evidence of a violation
5 of this section.

6 (b) A traveling sales crew employer shall do all of the following:

7 1. Keep a copy of the permit obtained under par. (a) 1. for each traveling sales
8 crew worker of the employer for at least 3 years after the traveling sales crew worker
9 leaves the employ of the employer and allow the department to inspect those permits
10 upon request.

11 2. Keep a list of the names of all cities, villages, or towns where traveling sales
12 crew workers of the employer engaged in traveling sales crew activities within the
13 last 3 years and allow the department to inspect that list upon request.

14 3. At the request of the department, provide a list of all cities, villages, or towns
15 where the employer intends to employ traveling sales crew workers in traveling sales
16 crew activities for the 6-month period beginning on the date of the request.

17 (c) Before an employer may permit a traveling sales crew worker of the
18 employer to engage in traveling sales crew activities in any city, village, or town, the
19 employer shall obtain from the clerk of the city, village, or town a stamp or
20 endorsement on the permit obtained under par. (a) 1. of the traveling sales crew
21 worker. When an employer obtains that stamp or endorsement, the employer shall
22 provide notice that traveling sales crew workers of the employer will be engaging in
23 traveling sales crew activities in that city, village, or town to the following:

24 1. The local police department, if the city, village, or town has a police
25 department.

1 2. To the sheriff of the county where the city, village, or town is located, if the
2 city, village, or town does not have a police department.

3 (d) Law enforcement officers of counties, cities, villages, and towns shall assist
4 the department in enforcing this section by questioning individuals seen engaging
5 in traveling sales crew activities and reporting to the department all cases of
6 individuals apparently engaging in traveling sales crew activities in violation of this
7 section.

8 **(12) PENALTIES; ENFORCEMENT.** (a) Any person that engages in traveling sales
9 crew activities in violation of this section, any rule promulgated under sub. (13), or
10 any order issued under this section, that employs or permits the employment of any
11 individual as a traveling sales crew worker in violation of this section, any rule
12 promulgated under sub. (13), or any order issued under this section, or that hinders
13 or delays the department or any law enforcement officer in the performance of their
14 duties under this section, may be required to forfeit not less than \$25 nor more than
15 \$1,000 for each day of a first offense and, for a 2nd or subsequent offense within 5
16 years, as measured from the dates the violations initially occurred, may be fined not
17 less than \$250 nor more than \$5,000 for each day of the 2nd or subsequent offense
18 or imprisoned not more than 30 days or both.

19 (b) In addition to the penalties under par. (a), any person that employs or
20 permits the employment of any individual as a traveling sales crew worker in
21 violation of sub. (2), (5) (b), (9) (b), or (11) (a) or (c) shall be liable, in addition to the
22 wages paid, to pay to each individual affected, an amount equal to twice the regular
23 rate of pay as liquidated damages for all hours worked in violation per day or per
24 week, whichever is greater.

1 (c) The department may refer violations of this section or of any rules
2 promulgated under sub. (13) for prosecution by the department of justice or the
3 district attorney of the county in which the violation occurred.

4 (13) RULES. The department shall promulgate rules to implement this section.
5 Those rules shall include all of the following:

6 (a) A fee for obtaining a certificate of registration. The department shall
7 determine the fee based on the cost of issuing certificates of registration.

8 (b) Minimum requirements for the issuance of a certificate of registration.

9 (c) Safety standards relating to the transportation of traveling sales crew
10 workers, the storage, handling, and transportation of hazardous materials by
11 traveling sales crews and any other exposure of a traveling sales crew worker to
12 hazardous materials, and the training of traveling sales crews in the storage,
13 handling, and transportation of hazardous materials.

14 (d) The amount of liability insurance that an employer of a traveling sales crew
15 worker shall have in force under sub. (8).

16 (14) NONAPPLICABILITY; NONPREEMPTION. (a) This section does not apply to the
17 employment of a person in a fund-raising sale for a nonprofit organization, as
18 defined in s. 103.21 (2), a public school, as defined in s. 103.21 (5), or a private school,
19 as defined in s. 103.21 (4).

20 (b) This section does not preempt a county, city, village, or town from enacting
21 a local ordinance regulating traveling sales crew activities. To the extent that a local
22 ordinance regulates conduct that is regulated under this section, the local ordinance
23 shall be at least as strict as the regulation of that conduct under this section.”.

24 *b0471/5.50* **462.** Page 1223, line 12: after that line insert:

1 ***b0471/5.50* "SECTION 2651p.** 109.075 (9) of the statutes is created to read:
2 109.075 (9) This section does not apply to an employer that ceases providing
3 health care benefits to its employees because the employees are covered under the
4 Healthy Wisconsin Plan under ch. 260.”.

5 ***b0369/1.8* 463.** Page 1228, line 9: after that line insert:

6 ***b0369/1.8* "SECTION 2661e.** 111.322 (2m) (a) of the statutes is amended to
7 read:

8 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
9 right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50,
10 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to
11 103.82.

12 ***b0369/1.8* SECTION 2661f.** 111.322 (2m) (b) of the statutes is amended to
13 read:

14 111.322 (2m) (b) The individual testifies or assists in any action or proceeding
15 held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32,
16 103.34, 103.455, 103.50, 104.12, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to
17 101.599 or 103.64 to 103.82.”.

18 ***b0371/1.1* 464.** Page 1228, line 9: after that line insert:

19 ***b0371/1.1* "SECTION 2662.** 111.70 (1) (b) of the statutes is amended to read:

20 111.70 (1) (b) “Collective bargaining unit” means ~~a- the unit consisting of~~
21 ~~municipal employees who are school district professional employees or of municipal~~
22 ~~employees who are not school district professional employees~~ that is determined by
23 the commission to be appropriate for the purpose of collective bargaining.

24 ***b0371/1.1* SECTION 2663.** 111.70 (1) (dm) of the statutes is repealed.

1 ***b0371/1.1* SECTION 2664.** 111.70 (1) (fm) of the statutes is repealed.”.

2 ***b0471/5.51* 465.** Page 1228, line 9: after that line insert:

3 ***b0471/5.51* “SECTION 2664d.** 111.70 (1) (dm) of the statutes is amended to
4 read:

5 111.70 (1) (dm) “Economic issue” means salaries, overtime pay, sick leave,
6 payments in lieu of sick leave usage, vacations, clothing allowances in excess of the
7 actual cost of clothing, length-of-service credit, continuing education credit, shift
8 premium pay, longevity pay, extra duty pay, performance bonuses, health insurance
9 coverage of benefits not provided under the Healthy Wisconsin Plan under ch. 260,
10 life insurance, dental insurance, disability insurance, vision insurance, long-term
11 care insurance, worker’s compensation and unemployment insurance, social
12 security benefits, vacation pay, holiday pay, lead worker pay, temporary assignment
13 pay, retirement contributions, supplemental retirement benefits, severance or other
14 separation pay, hazardous duty pay, certification or license payment, limitations on
15 layoffs that create a new or increased financial liability on the employer and
16 contracting or subcontracting of work that would otherwise be performed by
17 municipal employees in the collective bargaining unit with which there is a labor
18 dispute.”.

19 ***b0371/1.2* 466.** Page 1228, line 17: after that line insert:

20 ***b0371/1.2* “SECTION 2666.** 111.70 (1) (nc) of the statutes is repealed.

21 ***b0371/1.2* SECTION 2668.** 111.70 (4) (cm) 5s. of the statutes is repealed.

22 ***b0371/1.2* SECTION 2669.** 111.70 (4) (cm) 6. a. of the statutes is amended to
23 read:

1 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one
2 or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective~~
3 ~~bargaining unit to which subd. 5s. applies~~, has not been settled after a reasonable
4 period of negotiation and after mediation by the commission under subd. 3. and other
5 settlement procedures, if any, established by the parties have been exhausted, and
6 the parties are deadlocked with respect to any dispute between them over wages,
7 hours and conditions of employment to be included in a new collective bargaining
8 agreement, either party, or the parties jointly, may petition the commission, in
9 writing, to initiate compulsory, final and binding arbitration, as provided in this
10 paragraph. At the time the petition is filed, the petitioning party shall submit in
11 writing to the other party and the commission its preliminary final offer containing
12 its latest proposals on all issues in dispute. Within 14 calendar days after the date
13 of that submission, the other party shall submit in writing its preliminary final offer
14 on all disputed issues to the petitioning party and the commission. If a petition is
15 filed jointly, both parties shall exchange their preliminary final offers in writing and
16 submit copies to the commission at the time the petition is filed.

17 ***b0371/1.2* SECTION 2670.** 111.70 (4) (cm) 6. am. of the statutes is amended
18 to read:

19 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
20 commission shall make an investigation, with or without a formal hearing, to
21 determine whether arbitration should be commenced. If in determining whether an
22 impasse exists the commission finds that the procedures set forth in this paragraph
23 have not been complied with and such compliance would tend to result in a
24 settlement, it may order such compliance before ordering arbitration. The validity
25 of any arbitration award or collective bargaining agreement shall not be affected by

1 failure to comply with such procedures. Prior to the close of the investigation each
2 party shall submit in writing to the commission its single final offer containing its
3 final proposals on all issues in dispute that are subject to interest arbitration under
4 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
5 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall
6 close the investigation based on the last written position of the party. ~~The municipal~~
7 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
8 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
9 bargaining, except that a permissive subject of bargaining may be included by a
10 party if the other party does not object and shall then be treated as a mandatory
11 subject. No later than such time, the parties shall also submit to the commission a
12 stipulation, in writing, with respect to all matters which are agreed upon for
13 inclusion in the new or amended collective bargaining agreement. The commission,
14 after receiving a report from its investigator and determining that arbitration should
15 be commenced, shall issue an order requiring arbitration and immediately submit
16 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
17 alternately strike names until a single name is left, who shall be appointed as
18 arbitrator. The petitioning party shall notify the commission in writing of the
19 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
20 formally appoint the arbitrator and submit to him or her the final offers of the
21 parties. The final offers shall be considered public documents and shall be available
22 from the commission. In lieu of a single arbitrator and upon request of both parties,
23 the commission shall appoint a tripartite arbitration panel consisting of one member
24 selected by each of the parties and a neutral person designated by the commission
25 who shall serve as a chairperson. An arbitration panel has the same powers and

1 duties as provided in this section for any other appointed arbitrator, and all
2 arbitration decisions by such panel shall be determined by majority vote. In lieu of
3 selection of the arbitrator by the parties and upon request of both parties, the
4 commission shall establish a procedure for randomly selecting names of arbitrators.
5 Under the procedure, the commission shall submit a list of 7 arbitrators to the
6 parties. Each party shall strike one name from the list. From the remaining 5
7 names, the commission shall randomly appoint an arbitrator. Unless both parties
8 to an arbitration proceeding otherwise agree in writing, every individual whose
9 name is submitted by the commission for appointment as an arbitrator shall be a
10 resident of this state at the time of submission and every individual who is
11 designated as an arbitration panel chairperson shall be a resident of this state at the
12 time of designation.

13 ***b0371/1.2* SECTION 2674.** 111.70 (4) (cm) 8m. a. and c. of the statutes are
14 consolidated, renumbered 111.70 (4) (cm) 8m. and amended to read:

15 111.70 (4) (cm) 8m. "Term of agreement; reopening of negotiations." Except for
16 the initial collective bargaining agreement between the parties and, except as the
17 parties otherwise agree, every collective bargaining agreement covering municipal
18 employees subject to this paragraph ~~other than school district professional~~
19 ~~employees shall be for a term of 2 years. No, but in no case may a collective~~
20 bargaining agreement for any collective bargaining unit consisting of municipal
21 ~~employees subject to this paragraph other than school district professional~~
22 ~~employees shall be for a term exceeding 3 years. e. No arbitration award may contain~~
23 a provision for reopening of negotiations during the term of a collective bargaining
24 agreement, unless both parties agree to such a provision. The requirement for
25 agreement by both parties does not apply to a provision for reopening of negotiations

1 with respect to any portion of an agreement that is declared invalid by a court or
2 administrative agency or rendered invalid by the enactment of a law or promulgation
3 of a federal regulation.

4 ***b0371/1.2* SECTION 2675.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

5 ***b0371/1.2* SECTION 2676.** 111.70 (4) (cm) 8p. of the statutes is repealed.

6 ***b0371/1.2* SECTION 2677.** 111.70 (4) (cm) 8s. of the statutes is repealed.

7 ***b0371/1.2* SECTION 2678.** 111.70 (4) (cn) of the statutes is repealed.

8 ***b0371/1.2* SECTION 2679.** 111.70 (4) (d) 2. a. of the statutes is amended to
9 read:

10 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
11 bargaining unit for the purpose of collective bargaining and shall whenever possible,
12 unless otherwise required under this subchapter, avoid fragmentation by
13 maintaining as few collective bargaining units as practicable in keeping with the size
14 of the total municipal work force. In making such a determination, the commission
15 may decide whether, in a particular case, the municipal employees in the same or
16 several departments, divisions, institutions, crafts, professions, or other
17 occupational groupings constitute a collective bargaining unit. Before making its
18 determination, the commission may provide an opportunity for the municipal
19 employees concerned to determine, by secret ballot, whether or not they desire to be
20 established as a separate collective bargaining unit. ~~The commission shall not~~
21 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
22 ~~collective bargaining unit if the group includes both municipal employees who are~~
23 ~~school district professional employees and municipal employees who are not school~~
24 ~~district professional employees.~~ The commission shall not decide, however, that any
25 other group of municipal employees constitutes an appropriate collective bargaining

1 unit if the group includes both professional employees and nonprofessional
2 employees, unless a majority of the professional employees vote for inclusion in the
3 unit. The commission shall not decide that any group of municipal employees
4 constitutes an appropriate collective bargaining unit if the group includes both craft
5 employees and noncraft employees unless a majority of the craft employees vote for
6 inclusion in the unit. The commission shall place the professional employees who are
7 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
8 a separate collective bargaining unit from a unit that includes any other professional
9 employees whenever at least 30% of those professional employees request an election
10 to be held to determine that issue and a majority of the professional employees at the
11 charter school who cast votes in the election decide to be represented in a separate
12 collective bargaining unit. Any vote taken under this subsection shall be by secret
13 ballot.”.

14 ***b0404/1.3* 467.** Page 1228, line 17: after that line insert:

15 ***b0404/1.3* “SECTION 2666e.** 111.70 (4) (c) 2. of the statutes is renumbered
16 111.70 (4) (c) 2. a.

17 ***b0404/1.3* SECTION 2666f.** 111.70 (4) (c) 2. b. of the statutes is created to read:
18 111.70 (4) (c) 2. b. A collective bargaining agreement entered into between law
19 enforcement and fire fighting personnel and a municipal employer may,
20 notwithstanding s. 62.13 (5), contain dispute resolution procedures, including
21 arbitration, that address the suspension, reduction in rank, suspension and
22 reduction in rank, or removal of such personnel. If the procedures include
23 arbitration, the arbitration hearing shall be public and the decision of the arbitrator
24 shall be issued within 180 days of the conclusion of the hearing.